

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 14-22, 24-26 and 56 are pending in the present application. Claim 23 has been cancelled. Claim 14 has been amended to recite that the bacterial species are selected from the group consisting of *Lactobacillus*, *Bifidobacterium* and *Propionibacterium* strains. Support for amended claim 14 may be found in previously-pending claim 23 and in the present specification at page 3, lines 23-26. New claim 56 has been added. Claim 56 is directed to a nutritional supplemental having a probiotic composition comprising lactic acid bacteria. Support for claim 56 may be found in the present specification at page 3, lines 17-24.

Claims 14-26 were rejected under 35 USC §112, first paragraph, for allegedly not satisfying the enablement requirement. Applicants believe that the present amendment obviates this rejection.

In imposing the rejection, the Official Action acknowledged that the present disclosure was enabling for the utilization of lactic acid bacteria (including *Bifidobacterium* strains) and *Saccharomyces* yeast. However, the Official Action alleged that the present disclosure did not enable the use of any and all types of bacterial strains or yeast strains. In the

interest of advancing prosecution, claim 14 has been amended to recite that the claimed bacterial strain is selected from the group of *Lactobacillus*, *Bifidobacterium* and *Propionibacterium* strains. As noted above, the *Lactobacillus*, *Bifidobacterium* and *Propionibacterium* strains are described in detail beginning on page 3 of the present specification. Claim 56 recites that the bacteria is a lactic acid bacterial strain.

Thus, in view of the above, applicants believe that the present amendment obviates this rejection and that the claims are fully enabled by the present specification.

At this time, applicants note that the present specification has been amended to update the status of European Application 97202900.3. The publication number for the application is EP-A-0 904 785.

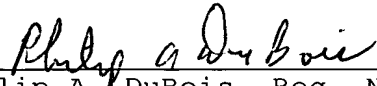
In view of the present amendment and the foregoing remarks, therefore, it is believed that this application is now in condition for allowance, with claims 14-22, 24-26 and 56, as presented. Allowance and passage to issue on that basis are accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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